

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7808

SHAWN PATRICK DICKSON,

Petitioner - Appellant,

and

LISA RICHARDSON,

Petitioner,

versus

MOLLY Q. RUHL, Clerk; ATTORNEY GENERAL OF THE
STATE OF MARYLAND,

Respondents - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. M. J. Garbis, District Judge. (CA-96-
3291-MJG)

Submitted: February 27, 1997

Decided: March 13, 1997

Before MURNAGHAN, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Shawn Patrick Dickson, Appellant Pro Se. John Joseph Curran, Jr.,
Attorney General, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Shawn Dickson, a Maryland inmate, appeals the order of the district court dismissing his petition for habeas corpus relief brought pursuant to 28 U.S.C. § 2254 (1994), amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214. The district court dismissed Dickson's claims as to his Montgomery County convictions on the merits and dismissed without prejudice Dickson's claims regarding his Prince George's County convictions so that he may file a separate § 2254 petition. We affirm on the modified grounds that Dickson failed to exhaust his state remedies.

A prisoner petitioning for federal habeas relief must first present his claims to state courts and exhaust all available remedies. 28 U.S.C. § 2254 (b), (c). Dickson's petition reveals that he failed to exhaust his available state court remedies in Maryland. See Maryland Uniform Post-Conviction Procedure Act, Md. Ann. Code art. 27, § 645A (1992). We therefore grant a certificate of appealability and modify the judgment to reflect dismissal without prejudice for failure to exhaust state remedies and affirm the judgment as modified. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED